

FILED IN THE
UNITED STATES
BANKRUPTCY COURT
DISTRICT OF UTAH

JUN 17 10 04 AM '03

WILLIAM C. STEPHENSON
CLERK OF COURT

BY _____
DEPUTY CLERK

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IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH, CENTRAL DIVISION

In re:

SIMON TRANSPORTATION SERVICES,
INC.; DICK SIMON TRUCKING, INC.; AND
SIMON TERMINAL, LLC,

Debtors.

FREIGHTLINER LLC AND FREIGHTLINER
MARKET DEVELOPMENT
CORPORATION,

Plaintiffs,

vs.

OFFICIAL COMMITTEE OF UNSECURED
CREDITORS,

Defendant.

Bankruptcy Case No. 02-22906
Bankruptcy Case No. 02-22907
Bankruptcy Case No. 02-24874
(Jointly Administered)

**FREIGHTLINER'S EX PARTE
MOTION FOR ORDER
SHORTENING TIME FOR
COMMITTEE TO RESPOND TO
FREIGHTLINER'S MOTION FOR
PRELIMINARY INJUNCTION**

Judge Glen E. Clark

03 P-2251 GEC
Adv.



Pursuant to Fed. R. Bankr. P. 9006(c), plaintiffs respectfully move this Court for an order shortening the defendant's time to respond to plaintiffs' motion for a preliminary injunction so that the defendant must respond before 9:00 am on Friday, June 20, 2003. Plaintiffs also respectfully request a hearing on their motion for 11:00 am on Tuesday, June 24, 2003, when other matters in this bankruptcy case are also set to be heard.

The grounds for this Motion are as follows: On Friday, June 20, 2003, at 10:00 am, the defendant will auction the Trade-back options granted by the plaintiff to Dick Simon Trucking. At that time, the plaintiffs will likely bid for the Trade-backs. The plaintiffs will then have through Wednesday, June 25, 2003, to make payment on their bid. Components of the plaintiffs' bid may be effected by the defendant's response to plaintiffs' motion for a preliminary injunction. Further, whether the plaintiffs will make payment on their bid may depend, in part, on whether this Court will enjoin the defendant from disbursing the auction proceeds thereafter. Therefore, the plaintiffs seek to require the defendant to respond to their motion before the auction commences on Friday morning, June 20, 2003, and they seek to have their motion heard at 11:00 am on Tuesday, June 24, 2003, after the bidding but before payment is due.

WHEREFORE, plaintiff requests an order of the court (i) shortening defendant's time to respond to plaintiff's motion for a preliminary injunction so that the defendant

must respond by 9:00 am on Friday, June 20, 2003, and (ii) setting a hearing on the plaintiffs' motion for 11:00 am on June 24, 2003.

DATED this 17th day of June 2003.

PARSONS BEHLE & LATIMER

A handwritten signature in black ink, appearing to be 'P. Behle', is written over a horizontal line.

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